



SENTENCING REFORM

Governor Schwarzenegger's Proposal

Ending arbitrary sentencing

The Governor proposes that California establish a permanent Sentencing Commission to review and recommend changes to current and future sentencing. Twenty other states currently have sentencing commission. Under the Governor's proposal:

- The Governor will appoint the 17-member Commission, which will consist of: Four legislators recommended by leadership, the Attorney General, the Secretary of the California Department of Corrections and Rehabilitation (CDCR), a state judge and representatives from law enforcement and crime victims groups. Members will serve four-year terms.
- The Commission will solicit feedback and recommend improvements to the State's current sentencing guidelines. It will report to the Legislature annually.
- The Commission will analyze any bill that impacts sentencing and act as the State's research clearinghouse on sentencing policy. In the first year, it will focus on California's parole system.

On the Record

Crime Victims Group Supports Commission, Fixing "Broken" System. "Victims-rights groups are 'somewhat nervous' but supportive, as long as they are represented on the commission, said Nina Salarno-Ashford, executive director of Crime Victims United of California. 'The system is certainly broken now, so it makes sense to take a look at it,' said Christine Ward, executive director of the Doris Tate Crime Victims Bureau." - "California to Review Prison Sentences" Associated Press, December 15, 2006.

Court Receiver Robert Sillen Said An "Effective" Prisons Solution Would "Require Changes" In Sentencing. "With most prisons now at 200 percent of inmate capacity, Sillen said an effective solution to overcrowding would require changes in sentencing and parole policies to reduce the number of prisoners." - "Report blasts prison health system," Sacramento Bee, July 6, 2006

CCPOA Supports Commission To Review Sentencing. "Even the California Correctional Peace Officers Association, the union representing prison guards, suggests the state create a commission to independently review sentencing laws and recommend changes." - "Schwarzenegger looks to special session to solve prison problems," Associated Press, August 5, 2006

Lance Corcoran: CCPOA Open To Sentencing Changes. "Corcoran said the association supports formation of a sentencing commission and is open to sentencing changes, but has yet to see a proposal it likes." - "Divisions hobble efforts," Orange County Register, December 3, 2006

"Union Officials, The Governor, Public Policy Experts" Agree On Sentencing Commission. "A consensus has been building over the last six months, with union officials, the governor, public policy experts and many members of the legislature agreeing that a sentencing commission is in order... Mr. Tilton said that in addition to such a commission, the system would require more prison beds, so prisoners would not be housed in gyms and classrooms and those areas could be used once again for programs to prepare offenders for life outside prison. These changes have the support of the California Correctional Peace Officers Association, which has regarded the governor warily." - "Bulging, Troubled Prisons Push California Officials to Seek a New Approach," New York Times, December 11, 2006

Just the Facts

- "The principal and underlying reason why California prisons are overcrowded, cost a lot, and result in high levels of recidivism at the expense of public safety is that judges are sentencing too many non-violent offenders to prison, and sentencing some of them for too long a term." Source: Written Testimony of Roger K. Warren, Scholar-in-Residence, Judicial Council of California, Administrative Office of the Courts, and Project Director, National Center for State Courts National Sentencing Reform Project." Little Hoover Commission. June 22, 2006.

- *U.S. Supreme Court Associate Justice Anthony Kennedy has stated to the American Bar Association that "in many instances society may conserve scarce resources, provide greater rehabilitation, decrease the probability of recidivism and increase the likelihood of restitution if it uses alternatives to incarceration."* Source: Mark Carey, Evidence-Based Practice in Corrections (December 2005) (PowerPoint presentation available from the author); see also, D.A. Andrews, An Overview of Treatment Effectiveness (1994).
- *"The ABA Justice Kennedy Commission recommends the use of sentencing commissions and a flexible sentencing guideline system."* Source: Written Testimony of Roger K. Warren, Ibid.
- *"Sentencing reform in the form of Problem Solving Courts (drug courts, mental health courts, and others reform-style courts) have been very successful in many jurisdictions at a national level in reducing recidivism and the costs associated with the criminal justice system."* Source: Written Testimony of Roger K. Warren, Ibid.
- *Sentencing reform in Virginia decreased the percentage of violent recidivists while increasing the percentage of beds occupied by violent offenders. Virginia's sentencing reforms are credited with slowing the state's prison population growth, reducing the violent crime rate, eliminating unwarranted sentences and reducing the overall crime rate.* Source: Briefing submitted to the Little Hoover Institution in 2006 by Richard P. Kern PhD and Director of the Virginia Criminal Sentencing Commission.
- *The National Center for State Courts found that complete statewide adoption of Virginia's risk assessment sentencing reform tool could save the state \$3 million annually while still guaranteeing public safety.* Source: National Center for State Courts, Offender Risk Assessment in Virginia (2002).
- *Since North Carolina implemented sentencing reform in 1994, the crime rate has consistently declined, as has the violent crime rate, while the average time served has gone from 19 percent of a sentence to 109 percent of a sentence for those offenders in prison.* Source: Sentencing Reform In North Carolina. Thomas W. Ross. Report to the Little Hoover Institution. 24 August 2006.
- *RAND, The Little Hoover Commission, The Blue Ribbon Commission on Inmate Population Management, the Deukmejian committee and the California Performance Review all support sentencing commission-led reform to address the problems of California's prison system.*